

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. J.J.B. PROPERTIES, LLC,	§	
2. JARRY JONES,	§	
3. LAURA JONES,	§	
4. BARBARA WHITTINGTON, AND	§	
5. JERRY WHITTINGTON	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 13-CV-34-JED-PJC
	§	
v.	§	
	§	
1. CERTAIN UNDERWRITERS AT	§	
LLOYD'S, LONDON	§	
	§	
Defendant.	§	

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Certain Underwriters at Lloyd's, London ("Respondents") in the matter entitled, *RE: Insureds: J.J.B. Properties, LLC, Jarry Jones, Laura Jones, Barbara Whittington and Jerry Whittington, Insurer: Certain Underwriters at Lloyd's, London Subject: Appraisal*, now pending in the District Court of Tulsa County, Oklahoma, bearing Cause Number CV-2012-01539, through undersigned counsel, who, pursuant to 28 U.S.C. §1441 and §1446, gives notice of removal of this suit to the United States District Court in and for the Northern District of Oklahoma, for the reasons set forth below.

1. On or about 27 December 2012, *J.J.B. Properties, LLC, Jarry Jones, Laura Jones, Barbara Whittington and Jerry Whittington* ("Petitioners") filed a Petition for the Appointment of Umpire in the District Court of Tulsa County, Oklahoma, under Cause Number CV-2012-01539. The Petition was served on Respondents via agreement through their attorney of record on 8 January 2013.

2. This Notice of Removal is being filed within thirty (30) days after receipt by Respondents of a copy of the Petition for the Appointment of Umpire and is timely filed under 28 U.S.C. §1446(b).

3. At the time of this filing, Respondents have not filed a response to the petition in state Court.

4. The above-described action is a civil action involving a request by Petitioners for appointment of umpire in reference to a claim for insurance payments and damages allegedly sustained in connection with a 22 May 2011 hail storm at the property owned by Petitioners and located at 7776 S. Indianapolis, Tulsa, Tulsa County, Oklahoma.

5. The instant Notice of Removal is brought pursuant to 28 U.S.C. §1441. Removal is proper in this case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

6. Pursuant to 28 U.S.C. § 1332, the district courts have original jurisdiction over suits between citizens of a state and citizens or subjects of a foreign state when the amount in controversy exceeds \$75,000.00. 28 U.S.C. § 1332.

7. Upon information and belief, the citizenship of the parties is as follows. Petitioners are citizens of the state of Oklahoma. Underwriters are comprised of the following companies, each of which is a citizen of the United Kingdom with their principal offices in the United Kingdom: Syndicate 2623 and Syndicate 623. None of the individual participants in the syndicates reside in Oklahoma. (See Affidavit of Gerald P. Hourihan, III attached hereto and incorporated herein as Exhibit A.) Accordingly, complete diversity of citizenship exists between Petitioners and Respondents.

8. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Petitioner provided a sworn proof of loss for \$295,744.28. (See sworn proof of loss attached and incorporated herein as Exhibit B.)

9. Pursuant to Local Rule 81.2, the following documents are attached hereto:

1. Petition for the Appointment of Umpire;
2. Docket Sheet;
3. A list of all counsel of record, including addresses, telephone numbers and parties represented; and

For the foregoing reasons, Respondents Certain Underwriters at Lloyd's, London, request that the above-described action now pending in the District Court of Tulsa County, Oklahoma be removed to this Honorable Court.

Respectfully submitted,

BY: /s/ Sean Burrage
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**COUNSEL FOR CERTAIN UNDERWRITERS
AT LLOYD'S, LONDON**

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2013, I served the attached document by U.S. Mail, postage prepaid, on the following:

Michael D. McGrew
Robin D. McGrew
Michael D. McGrew & Associates, P.C.
223 N. 3rd Street, Suite 206
Muskogee, OK 74401

/s/ Sean Burrage
Sean Burrage